



Federal Aviation Administration

Southern Region

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
ATLANTA, GEORGIA

INFORMATION REGARDING CIVIL PENALTIES
UNDER TITLE 49 U.S.C. SECTION 46301
(ATTACHMENT TO NOTICE OF PROPOSED ASSESSMENT)

Under 49 U.S.C. §46301, any person who violates pertinent provisions of 49 U.S.C. §§40101 et seq., or any rule, regulation, or order issued thereunder, is subject to a civil penalty for each violation. The maximum assessment for each violation is prescribed by law, as specified in the Notice to which this is attached. The Notice also states the amount of the proposed assessment of civil penalty for the alleged violation(s).

This proceeding is governed by applicable sections of 14 C.F.R. Part 13 and by 49 C.F.R. Part 821. A copy of the relevant sections from 14 C.F.R. Part 13 is attached. WITHIN FIFTEEN (15) DAYS AFTER YOU RECEIVE THE NOTICE TO WHICH THIS INFORMATION SHEET IS ATTACHED, you may elect to proceed in one or more of the following ways by marking the appropriate box(es) on the attached election sheet and returning it by mail or personal-delivery to the address provided below. An explanation of each option is set forth below.

1. Submit the amount of the civil penalty specified in the Notice by certified check or money order payable to the "Federal Aviation Administration." Your submission constitutes your agreement that an Order of Assessment in that amount may be issued without further notice, and that you waive your right to a hearing in this matter.

2. Submit, in writing, information and evidence demonstrating that a violation of the regulations was not committed or that, if it were, the facts and circumstances do not warrant the proposed civil penalty or the amount of the proposed civil penalty. Information provided will be considered in determining whether a civil penalty should be imposed and the amount of any such civil penalty. This information may be submitted in conjunction with a request for informal conference. This will not affect your right to a hearing.

3. Submit, in writing, information and records indicating that you are financially unable to pay the proposed civil penalty, or showing that payment of the proposed penalty would prevent you from continuing in business. This will not affect your right to a hearing.

4. Request that a civil penalty be assessed in a specific

amount other than that proposed in the Notice, or that no civil penalty be assessed. If you choose this option, you should explain why a reduction or no civil penalty is appropriate, and provide any supporting documentation. Information provided will be considered in determining whether the amount you specified should be assessed.

If the FAA does not accept your offer, your right to a hearing will not be affected. If the FAA accepts your offer, your request constitutes your agreement that an Order of Assessment in that amount may be issued without further notice, and that you waive your right to a hearing.

5. Request to discuss the matter informally with an FAA attorney either telephonically or in person at any Regional Office of the FAA (see attachment for addresses of the Regional Offices), or at the Flight Standards District Office (FSDO) in Atlanta, Georgia. If you request a telephonic informal conference, an FAA attorney will call you at the telephone designation of your choice at any place within the United States. This will not affect your right to a hearing.

IMPORTANT - The informal conference is intended to provide you with an opportunity to present your reasons why the FAA should not proceed with the action as proposed. It also is intended to provide you with an opportunity to present any supporting documentation or information you wish the FAA to consider before the agency decides whether to proceed with the proposed action.

6. You may request that the FAA impose a civil penalty without making findings of violations, and submit the reasons and any additional information in writing (with appropriate supporting documentation) to support your request. If the FAA accepts your offer, your request will constitute your agreement that a compromise order in that amount may be issued. Your request will also constitute your agreement that you waive your right to a hearing. If the FAA does not accept your offer, however, your right to a hearing will not be affected.

7. Request that an Order of Assessment be issued as proposed in the Notice of Proposed Assessment so that you may appeal directly to the National Transportation Safety Board (NTSB), as provided in 49 U.S.C. §46301(d)(5)(A) and the NTSB's Rules of Practice (49 C.F.R. Part 821). The appeal stays the effectiveness of the Administrator's Order.

If you appeal to the NTSB, a complaint will be filed and an administrative law judge will be appointed to decide the case. At the hearing, held under 49 C.F.R. Part 821, the FAA will present witnesses and other evidence. You also will have the opportunity to present witnesses and other evidence. The FAA will have the burden of proof. An appeal from the judge's decision is available to the full Board and from there to the U.S. Court of Appeals.

8. If you are an individual and have filed a timely Aviation Safety Report with the National Aeronautics and Space Administration (NASA) concerning the incident set forth in the attached Notice of Proposed Assessment, you may be entitled to waiver of any penalty. This program applies only to operations in the National Aviation System, including departure, enroute, approach, and landing operations and procedures, air traffic

control procedures and equipment, pilot/controller communications, aircraft movement on the airport, and near midair collisions. This program does not apply to violations of Federal rules governing civil aviation security, such as carriage of weapons on an airport. You will be entitled to a waiver only if all of the following are found:

- a. That this violation was inadvertent and not deliberate;
- b. That this violation did not involve a criminal offense or an accident, or disclose a lack of competency or qualification to be the holder of a certificate;
- c. You have not paid a civil penalty pursuant to 49 U.S.C. §46301, et seq., or been found in any prior FAA enforcement action to have committed a violation of the Federal Aviation Act, or any regulation under the Federal Aviation Act, for a period of five (5) years prior to the date of the occurrences; and,
- d. You prove that within ten (10) days after the violation, you completed and delivered or mailed a written report of the incident or occurrence to NASA under the Aviation Safety Reporting Program.

In the event you establish your entitlement to a waiver of penalty, an Order will be issued finding you in violation but imposing no payment of civil penalty. The Order will be a matter of record. As to the findings of fact and violations, you may either waive your right to a hearing or you may appeal the Administrator's Order to the NTSB.

Please address all correspondence in this matter to the FAA attorney who signed the Notice at the following address:

[Attorney's Name]
Office of the Regional Counsel
Federal Aviation Administration
Southern Region
P. O. Box 20636
Atlanta, GA 30320

Your response may be delivered personally to the Office of the Regional Counsel for the Southern Region at 1701 Columbia Ave., College Park, Georgia, during normal business hours.

Telephone: (404) 305-5200 (Collect calls cannot be accepted).

If you are an individual:
PRIVACY ACT NOTICE

This notice is provided in accordance with Section (e)(3) of the Privacy Act, 5 U.S.C. Section 552a(e)(3), and concerns the information requested in the letter or form to which this Notice is attached.

A. Authority. This information is solicited pursuant to the Federal Aviation Act of 1958, 49 U.S.C. §§40101 et seq., and regulations issued thereunder, codified in Part 13 of Title 14 of the Code of Federal Regulations. Submission of the telephone number is voluntary. The request for information is intended to provide you with an opportunity to participate in the investigation.

B. Principal Purpose. The requested information is intended to assist us in contacting you regarding this enforcement case.

C. Routine Uses. Records from this system of records may be disclosed in accordance with the routine uses as set forth in System of Records No. DOT/FAA 847 as published from time to time in the Federal Register.

D. Effect of Failure to Respond. If you do not provide the requested information, there may be a delay in contacting you regarding this enforcement case, and you may forfeit your right to a hearing on the merits of this case.

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
ATLANTA, GEORGIA

RETURN WITHIN 15 DAYS TO:

Office of the Regional Counsel DATE _____
Federal Aviation Administration
P. O. Box 20636
Atlanta, GA 30320

Telephone: (404) 305-5200
Facsimile: (404) 305-5223

Subject: Notice of Proposed Assessment, Case No.

In reply to your Notice of Proposed Assessment, I elect to proceed as indicated by my check mark beside the numbered paragraph(s) below:

1. ☐ I hereby submit the amount of the proposed civil penalty with the understanding that an Order of Assessment will be issued in that amount without further notice, and that I waive my right to a hearing.

2. ☐ I hereby submit evidence and information, demonstrating that a violation of the regulations did not occur as alleged or that the amount of the penalty is not warranted by the circumstances.

3. ☐ I hereby submit information and records showing that I am financially unable to pay the proposed civil penalty, or that payment of the penalty would prevent me from continuing in business.

4. ☐ I hereby request that a civil penalty be assessed in

the amount of \$_____ and I submit the reasons for the reduction of the proposed amount. My request constitutes my agreement that if this offer is accepted by the FAA, an Order of Assessment in that amount may be issued without further notice and I waive my right to a hearing.

5. a. ☐ I hereby request to discuss this matter in person at an informal conference with an attorney from your office at the location checked below.

Check one:

Georgia ☐ Office of the Regional Counsel in Atlanta,
Georgia ☐ Flight Standards District Office in Atlanta,
Georgia ☐ Office of the Regional Counsel in

(See Attached List of Regional Offices.)

OR

b. ☐ I hereby request a telephonic informal conference. Please call me at the number listed below to make arrangements for the conference.

_____ Telephone number to call for
conference

6. ☐ I hereby request that the FAA impose a civil penalty without making findings of violations, and submit my reasons. My request constitutes my agreement that if this offer is accepted, a compromise order will be issued in the amount set forth in the Notice of Proposed Assessment. My request also constitutes my agreement that I am waiving my right to a hearing if the FAA accepts this offer. If the FAA does not accept this offer, I understand that my right to a hearing will not be affected.

7. ☐ I hereby request that the Order of Assessment be issued so that I may appeal directly to the National Transportation Safety Board.

8. ☐ I hereby claim entitlement to a waiver of penalty under the Aviation Safety Reporting Program and enclose evidence that a timely report was filed. As to the allegations of fact and violations --

☐ I request that an Order of Assessment with Waiver of Penalty be issued. I also hereby waive my right to appeal.

☐ I request that an Order of Assessment with Waiver of Penalty be issued. I do not waive my right to appeal.

Certificate holder:

Signature:

Name :

Address :

Telephone :

Attorney/representative :

Name :

Address :

Telephone :

ADDRESSES OF THE REGIONAL OFFICES

ALASKA

Alaskan Region Headquarters
222 West 7th Avenue, #14
Anchorage, AK 99513

CALIFORNIA

Western-Pacific Region Headquarters
15000 Aviation Boulevard
Hawthorne, CA 90261

GEORGIA

Southern Region Headquarters
1701 Columbia Avenue
College Park, GA 30337

ILLINOIS

Great Lakes Region Headquarters
O'Hare Lake Office Center
2300 East Devon Avenue, Room 419
Des Plaines, IL 60018

MASSACHUSETTS

New England Region Headquarters
12 New England Executive Park
Burlington, MA 01803

MISSOURI

Central Region Headquarters

601 East 12th Street, Room 1558
Federal Building
Kansas City, MO 64106

NEW YORK

Eastern Region Headquarters
JFK International Airport
Fitzgerald Federal Building
Jamaica, NY 11430

OKLAHOMA

Mike Monroney Aeronautical Center
6500 South MacArthur
Oklahoma City, OK 73169

TEXAS

Southwest Region Headquarters
2601 Meacham Boulevard - 6E
Fort Worth, TX 76193-0007

WASHINGTON

Northwest Mountain Region Headquarters
1601 Lind Avenue, SW
Renton, WA 98055-4056